

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Andrey Slomnitsky

**Plaintiff(s),**

vs.

Scott A. Caldwell, Robert M. Buchan,  
Randy E. Buffington, Stephen M. Jones

**Defendant(s).**

Case #3:14-cv-00175-LRH-WGC

**VERIFIED PETITION FOR  
PERMISSION TO PRACTICE  
IN THIS CASE ONLY BY  
ATTORNEY NOT ADMITTED  
TO THE BAR OF THIS COURT  
AND DESIGNATION OF  
LOCAL COUNSEL**

FILING FEE IS \$250.00

Kyle A. Niemi, Petitioner, respectfully represents to the Court:  
(name of petitioner)

1. That Petitioner is an attorney at law and a member of the law firm of

Sullivan & Cromwell LLP

(firm name)

with offices at \_\_\_\_\_ 1870 Embarcadero Road \_\_\_\_\_  
(street address)

## Palo Alto

## California

94303

(city)

(650)461-5600

niemik@sullcrom.com

(area code + telephone number)

(Email address)

2. That Petitioner has been retained personally or as a member of the law firm by

Scott A. Caldwell, Robert M. Buchan \*

\_ to provide legal representation in connection with

the above-entitled case now pending before this Court.

\*Randy E. Buffington, and Stephen M. Jones

3. That since December 11, 2012  
(date), Petitioner has been and presently is a member in good standing of the bar of the highest Court of the State of California  
(state) where Petitioner regularly practices law. Petitioner shall attach a certificate from the state bar or from the clerk of the supreme court or highest admitting court of each state, territory, or insular possession of the United States in which the applicant has been admitted to practice law certifying the applicant's membership therein is in good standing.

7       4. That Petitioner was admitted to practice before the following United States District  
8 Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States and Courts  
9 of other States on the dates indicated for each, and that Petitioner is presently a member in good  
10 standing of the bars of said Courts.

	Court	Date Admitted	Bar Number
11	United States Court of Appeals, Ninth Circuit	February 15, 2013	287404
12	United States District Court, Northern District CA	February 14, 2013	287404
13	United States District Court, Eastern District CA	March 4, 2013	287404
14	United States District Court, Southern District CA	March 4, 2013	287404
15	United States District Court, Central District CA	February 14, 2013	287404
16			
17			
18			

5. That there are or have been no disciplinary proceedings instituted against petitioner, nor any suspension of any license, certificate or privilege to appear before any judicial, regulatory or administrative body, or any resignation or termination in order to avoid disciplinary or disbarment proceedings, except as described in detail below:

NA

6. That Petitioner has never been denied admission to the State Bar of Nevada. (Give particulars if ever denied admission):

N/A

7. That Petitioner is a member of good standing in the following Bar Associations.

California Bar Association  
American Bar Association

10 8. Petitioner has filed application(s) to appear as counsel under Local Rule IA 11-2  
11 (formerly LR IA 10-2) during the past three (3) years in the following matters: (State "none" if no applications.)

12	Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied
13	<hr/>			
14	NONE			
15	<hr/>			
16	<hr/>			
17	<hr/>			
18	<hr/>			

(If necessary, please attach a statement of additional applications)

20        9. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the  
21 State of Nevada with respect to the law of this state governing the conduct of attorneys to the same  
22 extent as a member of the State Bar of Nevada.

23       10. Petitioner agrees to comply with the standards of professional conduct required of  
24 the members of the bar of this court.

25        11. Petitioner has disclosed in writing to the client that the applicant is not admitted to  
26 practice in this jurisdiction and that the client has consented to such representation.

That Petitioner respectfully prays that Petitioner be admitted to practice before this Court  
FOR THE PURPOSES OF THIS CASE ONLY.

STATE OF California )  
COUNTY OF Santa Clara )

Petitioner's signature

Kyle A. Niemi , Petitioner, being first duly sworn, deposes and says:

That the foregoing statements are true.

Petitioner's signature

Subscribed and sworn to before me this

25<sup>th</sup> day of September, 2019

Maria Isabel Caldera Ramirez (see attached seal)

**Notary Public or Clerk of Court**

**DESIGNATION OF RESIDENT ATTORNEY ADMITTED TO  
THE BAR OF THIS COURT AND CONSENT THERETO.**

Pursuant to the requirements of the Local Rules of Practice for this Court, the Petitioner believes it to be in the best interests of the client(s) to designate John Patrick Desmond,  
(name of local counsel)  
Attorney at Law, member of the State of Nevada and previously admitted to practice before the above-entitled Court as associate resident counsel in this action. The address and email address of said designated Nevada counsel is:

Dickinson Wright PLLC, 100 W Liberty Street, Suite 940  
(street address)

Reno  
(city)

Nevada  
(state)

89501  
(zip cod

(775)343-7500, jdesmond@dickinsonwright.com  
(area code + telephone number) (Email address)

1 By this designation the petitioner and undersigned party(ies) agree that this designation  
2 constitutes agreement and authorization for the designated resident admitted counsel to sign  
3 stipulations binding on all of us.

4

5 **APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL**

6

7 The undersigned party(ies) appoint(s) John P. Desmond as  
8 his/her/their Designated Resident Nevada Counsel in this case.

9

10 By: SCOTT A. CALDWELL

11 (party's signature)

12 SCOTT A. CALDWELL, Defendant

13 (type or print party name, title)

14 (party's signature)

15 ROBERT M. BUCHAN, Defendant

16 (type or print party name, title)

17 (party's signature)

18 RANDY E. BUFFINGTON, Defendant

19 (type or print party name, title)

20 (party's signature)

21 STEPHEN M. JONES, Defendant

22 (type or print party name, title)

23

24

1 By this designation the petitioner and undersigned party(ies) agree that this designation  
2 constitutes agreement and authorization for the designated resident admitted counsel to sign  
3 stipulations binding on all of us.

4

5 **APPOINTMENT OF DESIGNATED RESIDENT NEVADA COUNSEL**

6

7 The undersigned party(ies) appoint(s) John P. Desmond as  
8 his/her/their Designated Resident Nevada Counsel in this case.

9

10 By: \_\_\_\_\_  
11 (party's signature)

12 SCOTT A. CALDWELL, Defendant  
13 (type or print party name, title)  
14 \_\_\_\_\_  
15 (party's signature)

16 ROBERT M. BUCHAN, Defendant  
17 (type or print party name, title)  
18 \_\_\_\_\_  
19 (party's signature)

20 RANDY E. BUFFINGTON, Defendant  
21 (type or print party name, title)  
22 \_\_\_\_\_  
23 (party's signature)

24 STEPHEN M. JONES, Defendant  
25 (type or print party name, title)

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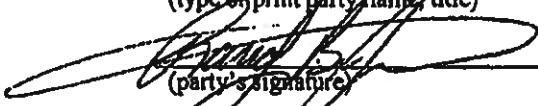
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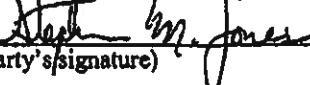
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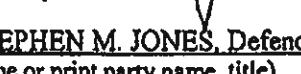
14 \_\_\_\_\_  
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16 ROBERT M. BUCHAN, Defendant  
17 (type or print party name, title)  


18 \_\_\_\_\_  
19 (party's signature)

20 RANDY E. BUFFINGTON, Defendant  
21 (type or print party name, title)  


22 \_\_\_\_\_  
23 (party's signature)

24 STEPHEN M. JONES, Defendant  
25 (type or print party name, title)  


1 CONSENT OF DESIGNEE

2 The undersigned hereby consents to serve as associate resident Nevada counsel in this case.

3   
4 Designated Resident Nevada Counsel's signature

5 5618 jdesmond@dickinsonwright.com  
6 Bar number Email address

7 APPROVED:

8 DATED this 26th day of September, 2019.

9   
10 LARRY R. HICKS

11 UNITED STATES DISTRICT JUDGE



**The State Bar  
of California**

180 Howard Street, San Francisco, CA 94105

**OFFICE OF ATTORNEY REGULATION  
& CONSUMER RESOURCES**

888-800-3400

[AttorneyRegulation@calbar.ca.gov](mailto:AttorneyRegulation@calbar.ca.gov)

**CERTIFICATE OF STANDING**

September 18, 2019

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, KYLE ALLEN NIEMI, #287404 was admitted to the practice of law in this state by the Supreme Court of California on December 11, 2012 and has been since that date, and is at date hereof, an ACTIVE licensee of the State Bar of California; and that no recommendation for discipline for professional or other misconduct has ever been made by the Board of Trustees or a Disciplinary Board to the Supreme Court of the State of California.

THE STATE BAR OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Denise Velasco".

Denise Velasco  
Custodian of Records

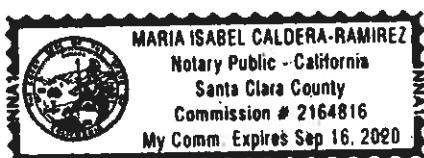
## **CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Santa Clara )  
On September 25, 2019 before me, Maria Isabel Caldera Ramirez,  
Date Kyle A. Niemi Here Insert Name and Title of the Officer  
personally appeared \_\_\_\_\_ Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

**Signature** \_\_\_\_\_

**Signature of Notary Public**

*Place Notary Seal Above*

• OPTIONAL

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Description of Attached Document: Pro Hac Vice App Nevada Document Date: 9/25/19

Number of Pages: 18 Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Kyle A. Nier

Corporate Officer — Title(s): \_\_\_\_\_

Partner —  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Other: \_\_\_\_\_

**Signer's Name:**

Corporate Officer — Title(s): \_\_\_\_\_

Partner —  Limited  General

Individual  Attorney in Fact

Trustee  Guardian or Conservator

Other: \_\_\_\_\_

Other: \_\_\_\_\_